



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



229070

REPLY TO THE ATTENTION OF  
C-14J

December 19, 2000

George Marek  
Quarles & Brady, LLP  
411 E. Wisconsin Ave.  
Milwaukee WI 53202-4497

Re: Master Metals, Inc., Superfund Site  
Cleveland, Ohio  
Issues Regarding Central Regional Laboratory

Dear Mr. Marek:

Attached please find the letter that we discussed by telephone today and that you stated Quarles & Brady, LLP, would distribute to the PRP Group on behalf of U.S. EPA Region 5. Thank you very much for your help in this matter. If you have any questions, please contact me at (312) 886-6822.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kris P. Vezner".

Kris P. Vezner  
Assistant Regional Counsel



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December 19, 2000

**Master Metals PRP Group**

c/o George Marek  
Quarles & Brady, LLP  
411 E. Wisconsin Ave.  
Milwaukee WI 53202-4497

Re: Master Metals, Inc., Superfund Site  
Cleveland, Ohio  
Issues Regarding Central Regional Laboratory

Dear Sir or Madam:

U.S. EPA Region 5's Central Regional Laboratory (CRL) provided laboratory services at the Master Metals, Inc., Superfund Site (site) in Cleveland, Ohio. In light of a criminal investigation of alleged improper practices by specified individuals at CRL and at a government contractor, U.S. EPA Region 5 (we) has undertaken a review of available information to determine whether any of the four suspect analysts performed any analytical work at the site.<sup>1</sup> **This letter is to advise you of our determination that none of the suspect analysts performed analytical work at the site.** This letter also summarizes the basis for our conclusions and describes EPA's information gathering and review process in this matter.

**SUPERFUND DATA SET PACKAGES**

The Superfund Division created electronic data bases using information contained in CRL data set packages for Superfund sampling projects archived at the Federal Records Center (FRC) or which remain at the CRL.<sup>2</sup> These data bases are based on indexes kept by the Superfund Records

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<sup>1</sup> The suspect analysts include two analysts formerly employed by Environmental Services Assistance Team (ESAT) contractors, and two former EPA employees who worked at CRL. The ESAT contracts are administered by the Agency's Superfund program.

<sup>2</sup> Samples received by CRL for analysis are organized into "data sets," which are assigned unique data set numbers for tracking purposes. Similarly, data set numbers have been assigned to analytical results received by CRL from outside laboratories for the purpose of conducting data validation reviews.

Center of data sets that have been sent to the FRC and information from the Relational Laboratory Information Management System (RLIMS). The lists were meant to provide EPA a comprehensive inventory of Superfund sites and data set packages where CRL or the ESAT contractors did analytical work. We used these lists to retrieve data set packages for specified Superfund sites for review.<sup>3</sup> We identified 28 data set packages for the site, numbered:

930001102	930001174	930001239
930001103	930001175	930001259
930001112	930001185	930001260
930001125	930001197	940006
930001126	930001208	940007
930001130	930001209	940015
930001131	930001214	940022
930001140	930001215	940032
930001150	930001220	
930001173	930001229	

A discussion of the review of these data set packages is in the "Sample Receiving Logs" and "Instrument Logs" section, below.

### **SAMPLE RECEIVING LOGS**

EPA created an electronic data base of information extracted from receiving logs in which the CRL manually recorded all samples received by the lab for analysis. The data base includes entries for each sample project entered in these logs with sample receipt dates from October 1977 through September 1994.<sup>4</sup> This data base identifies, among other things, the site or facility from which the samples were collected, an identification number initially referred to as a sample project batch number or later as a data set number, identities of persons who checked samples out and in from the sample custodian, and the date and time the samples were received in the lab.

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<sup>3</sup>There is reason to believe that some Superfund data packages from the late 1970's and early 1980's were misplaced by CRL and not sent to FRC. Therefore, the FRC list of Superfund data packages is not as complete as the receiving log data base described below.

<sup>4</sup>The CRL's manual receiving logs and the RLIMS systems may not include samples analyzed under the Field Analytical Support Program (FASP) which is part of the ESAT contract, and is used primarily for on-site screening and Brownfield work. Usually FASP samples are analyzed at a mobile laboratory and not at CRL. Also, they may not have been considered CRL samples, and thus were not logged in the CRL receiving log system if actually taken to the lab for analyses. However, a review of time charges by the two suspect contractor analysts shows that they charged limited time to FASP work at only a few sites; **they charged no time for such work at the site.**

In October 1994, the CRL began to use a computerized data base known as the RLIMS to maintain sample receipt and tracking information for the CRL. CRL has created an electronic file of information from RLIMS which is analogous to the information in the manual receiving logs. It covers the time period from October 1994 until the beginning of fiscal year 2000.<sup>5</sup> Although RLIMS is an analogue to the manual receiving logs, it does not track information such as the analysts who check samples out and back in from the sample custodian. That information is still manually maintained in a log by the custodian, and it is reviewed when data set packages that are logged in the RLIMS data base are reviewed for involvement by the suspect analysts.

These two "receiving log" data bases help EPA to locate the underlying CRL laboratory data set packages that contain analytical records for a particular environmental sampling project at a site.<sup>6</sup> The files can then be reviewed to identify analysts who worked with or analyzed samples in the sample project batch. The data base information also is useful in searching other data bases created to help identify where the suspect analysts did sample preparation work or analyzed samples from these sample batches.

We have reviewed the electronic data bases which summarize the receiving logs and the analogous data base derived from RLIMS in order to identify any samples relating to the site that

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<sup>5</sup>Both EPA analysts were removed from the laboratory on about October 13, 1998. One of the EPA analysts resigned at the beginning of January 1999 without returning to the lab. The other EPA analyst returned to the lab sometime in early 1999, but worked on a limited number of projects (not related to the site) before being placed on leave at the end of May 1999. The second EPA analyst's employment with the Agency subsequently ended, and this analyst did not return to work in the laboratory. Also, the CRL stopped accepting samples for analyses on about June 10, 1999 pending the completion of a lab audit and necessary corrective actions. The CRL did not resume receiving samples for analyses again until March 2000.

The ESAT Contractor continued to receive and analyze samples at the CRL until after September 1, 1999. EPA issued a stop work order to the contractor on September 3, 1999. Subsequently, the stop work order was lifted for some work assignments, including data validation work and non-organic analyses although it has remained in effect for analyses of pesticides/PCBs, semi-volatile organic compounds (acid base neutrals) and volatile organic compounds other than to complete the work in progress when the stop work order was issued. One of the suspect ESAT analysts ended employment with the contractor on November 12, 1999, and the other suspect ESAT analyst resigned effective April 18, 2000. EPA has obtained data bases that provide information concerning time charges by the two ESAT contractor analysts since September 1999. That data base has been reviewed and no time has been found charged to this site by either suspect ESAT analyst.

<sup>6</sup>The log books track samples analyzed by both CRL and ESAT analysts. The ESAT also recorded information in the same instrument logs used by EPA CRL employees until fiscal year 2000.

CRL received for analysis by either CRL or ESAT analysts. We identified the 28 data set packages listed above. Upon beginning to retrieve these data set packages, we discovered that one of the packages, numbered 930001214, was for a different Superfund site. We retrieved and reviewed the remaining 27 data set packages. **We found no involvement by any of the suspect analysts with any of the data set packages. Therefore these datasets presents no CRL issues.**

### INSTRUMENT LOGS

The suspect analysts worked primarily in the CRL organic chemistry Gas Chromatography (GC) or Gas Chromatography/Mass Spectrometry (GC/MS) laboratories. Therefore, EPA has reviewed information from available instrument logs (sometimes referred to as bench logs) in these laboratories and created electronic data base(s) summarizing information from these instrument logs.

The instrument logs from the Gas Chromatography laboratory date back to 1988. These logs contain information that can identify analysts involved in analytical work for sample projects, by means of entries indicating data set numbers, site names, dates, and identification of the analysts. The electronic data base summarizes information from these logs, including names or initials of analysts and data set numbers noted in the logs, and sites associated with the entries. The lists provide a further source of information to identify involvement of suspect analysts in data analysis at various facilities.

We have also reviewed the GC/MS laboratory's relevant instrument logs for involvement of the suspect analysts. An electronic data base has been created summarizing information from these instrument logs as to data sets and sites which indicate that the suspect analysts performed work in that laboratory. The data base has log entries which go back to the late 1970's.

We have reviewed the instrument log data bases for both the GC and GC/MS laboratories. According to the instrument log data bases, a suspect analyst was involved with one data set package, numbered 940015. This data base entry proved erroneous. We retrieved and reviewed this package, as outlined in the "Sample Receiving Logs" section, above. We found no involvement by the suspect analyst with that package. **Therefore, we conclude that the analyst did not perform analytical work for this package. We found no other evidence of the suspect EPA or ESAT analysts' involvement with the site and believe, again, that package 940015 presents no CRL issues.**

### EMPLOYEE TIME CHARGES BILLED TO SITE

EPA has generated a report from the Agency's Management and Accounting Reporting System (MARS) which includes information as to the time billed to Superfund sites by the two suspect EPA analysts. The site charges are based on Superfund time sheets which employees who work on Superfund matters are required to complete. The information from the MARS report is

derived from the Agency's Integrated Financial Management System. The MARS report includes the employee's last name, a site ID number, fiscal year, pay period and hours billed to the site. That information from the MARS report was placed into a spreadsheet along with the site names corresponding to the site ID number. We have reviewed the spreadsheet with the two suspect EPA analysts' Superfund time charges and have found no Superfund time charges to the site.

Data bases also have been created that contain information regarding time charged to particular sites by the two suspect ESAT analysts. The Region 5 ESAT has operated under three consecutive contracts. The first contract covered the period from October 1987 through October 1991. Monthly financial reports submitted to the Agency pursuant to the first ESAT contract provide information regarding time charged by ESAT employees to particular sites. One of the two suspect ESAT analysts began working for the ESAT contractor at CRL on October 17, 1990 and performed services under the first ESAT contract. The time charges for this ESAT employee during the first ESAT contract have been summarized in a data base. **We have reviewed those charges and found no charges made by that employee to the site.**

The second ESAT contract covered the period from the end of October 1991 through January 30, 1996. The ESAT contractor also submitted monthly financial reports to EPA under this ESAT contract; however, these reports did not begin to include individual time charges until the report for the time period of May 4-31, 1992. Both of the suspect ESAT analysts performed services under the second ESAT contract. One of the ESAT suspect analysts worked for the ESAT contractor during the entire contract period; the other suspect ESAT analyst began work at CRL for the ESAT contractor on March 6, 1995. Time charges reported under this contract for the two suspect ESAT analysts have been summarized in a data base. **We have reviewed those time charges and found no charges made by either of them to the site.**

The third ESAT contract commenced on January 31, 1996. The contractor provided EPA with a data base of Region 5 ESAT employee time charges under this contract with entries as late as September 1999. This has subsequently been updated with an additional data base of time charges since that time until May 2000. The time charge records for the two suspect ESAT analysts have been extracted from these data bases and copied into their own data bases. **We have reviewed the time charges in both of those data bases and found no time charged to the site by either of the suspect ESAT analysts.**

### **DATA VALIDATION**

In addition to preparing and analyzing samples, EPA CRL employees and ESAT employees also have provided non-analytical services, including what is known as "data validation." Data validation involves a review of laboratory data packages and documentation generated during the analyses of samples by outside laboratories, rather than performance of analytical work at the CRL itself. Data validation is the process of reviewing analytical data to assess data quality and completeness for purposes of usability.

The 1977-1994 sample receiving logs include records with receipt dates as late as December 1990 that indicate the receipt of data packages at CRL from laboratories that are part of the Superfund Program's Contract Laboratory Program, as well as from laboratories retained by Potentially Responsible Parties. These records are identifiable by the presence of a CLP "Case" or "SAS" number in the comment field or the prefix "PRP" before a data set number. The practice of tracking these documents in the logs appears to have ended after 1990. **No records appear for the site which have "PRP," "Case" or "SAS" numbers in the comment field.**

The CRL maintained a Superfund Sample Tracking System from late 1984 to 1993. The initials of CRL-EPA employees who did data validation work for a data set package are in this system along with the Case or SAS numbers associated with a data set package, the site ID number, the date the package was received at CRL, date reviewed, and the hours spent. Records indicating data validation work by the two EPA suspect analysts were extracted and placed in a Lotus spreadsheet. The site name is in the spreadsheet based on the listed site ID code. The data set numbers were entered on the spreadsheet by matching the Case or SAS numbers with the CRL receiving log records for the data set. Also, the date and time of receipt for the traffic control and chain of custody documents for these CLP samples are entered from those log records. No records in this data base indicate data validation work for site samples by either of the suspect EPA employees. Furthermore, neither of the suspect EPA analysts charged time to the site. The absence of charges in the MARS report and the Superfund Management Tracking System for work by the suspect EPA analysts at the site supports the conclusion that they would not have been involved in data validation work on site data.

With respect to the suspect ESAT analysts, I have reviewed the data bases of time charges by these analysts under each of the three ESAT contracts, including an updated data base of time charges through April 2000. This review has verified that neither of them billed time to the site, whether for analytical work, data validation work, or otherwise. **Therefore, we have no reason to believe that they did validation work for samples at this site.**

Superfund Division also assures me that the CRL involvement noted above was the only involvement by CRL at the site. Finally, I have reviewed all known relevant site documents and am unaware of any other documents that would suggest any additional participation by any of the suspect analysts in this case.

For all of the reasons discussed above, Region 5 believes that the results of this CRL review should have no impact on this case. If you have any questions regarding this letter, please telephone me at (312) 886-6827.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kris P. Vezner', followed by a long, sweeping horizontal line that extends to the right.

Kris P. Vezner  
Assistant Regional Counsel